

APPROVED:

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BEFORE: THE HONORABLE STEWART D. AARON
United States Magistrate Judge
Southern District of New York

20 MAG 5884

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UNITED STATES OF AMERICA : SEALED COMPLAINT
- v. - : Violations of
ETHAN PHELAN MELZER, : 18 U.S.C. §§ 956,
a/k/a "Etil Reggad," : 1114, 1117, 2339A,
: 3238, and 2
: Defendant. :
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STATE OF NEW YORK)
COUNTY OF NEW YORK : ss.:
SOUTHERN DISTRICT OF NEW YORK)

FAYE STEPHAN, being duly sworn, deposes and says that she is a Special Agent of the United States Air Force (the "Air Force"), currently assigned to the New York Joint Terrorism Task Force (the "JTTF") as a Task Force Officer, and charges as follows:

COUNT ONE

CONSPIRACY TO MURDER U.S. MILITARY SERVICE MEMBERS

1. In or about May 2020, in an offense begun and committed outside of the jurisdiction of any particular State or district of the United States, ETHAN PHELAN MELZER, a/k/a "Etil Reggad," the defendant, and others known and unknown, at least one of whom is expected to be first brought to and arrested in the Southern District of New York, knowingly and intentionally combined, conspired, confederated, and agreed together and with each other to violate Section 1114 of Title 18, United States Code.

2. It was a part and an object of the conspiracy that ETHAN PHELAN MELZER, a/k/a "Etil Reggad," the defendant, and others known and unknown, would and did kill and attempt to kill an officer and employee of the United States -- which killing is murder as defined in Title 18, United States Code, Section 1111(a) -- including any member of the uniformed services, while such officer and employee was engaged in and on account of the performance of official duties, and any person assisting such an officer and employee in the performance of such duties and on account of that assistance.

Overt Acts

3. In furtherance of the conspiracy and to effect the illegal object thereof, ETHAN PHELAN MELZER, a/k/a "Etil Reggad," the defendant, and his co-conspirators, committed the following overt acts, among others:

a. On or about May 23, 2020, MELZER, a service member with the U.S. Army, used an encrypted messaging application (the "Messaging Application") to solicit assistance for a mass casualty attack on his U.S. Army unit (the "Unit") once it deployed to Turkey.

b. On or about May 24, 2020, MELZER provided confidential and sensitive information to a user of the Messaging Application ("CC-1") about, among other things, the Unit's size, anticipated travel routes in Turkey, weaponry, and defensive capabilities, which MELZER understood CC-1 would use to facilitate an attack on the Unit.

(Title 18, United States Code, Sections 1114, 1117, and 3238.)

COUNT TWO

ATTEMPTED MURDER OF U.S. MILITARY SERVICE MEMBERS

4. In or about May 2020, in an offense begun and committed outside of the jurisdiction of any particular State or district of the United States, ETHAN PHELAN MELZER, a/k/a "Etil Reggad," the defendant, who is expected to be first brought to and arrested in the Southern District of New York, unlawfully, willingly, and knowingly attempted to and aided and abetted the attempt to kill an officer and employee of the United States -- which killing is murder as defined in Title 18, United States Code, Section 1111(a) -- including any member of the uniformed

services, while such officer and employee was engaged in and on account of the performance of official duties, and any person assisting such an officer and employee in the performance of such duties and on account of that assistance, to wit, MELZER supplied confidential U.S. Army information about the Unit to CC-1, with the intention that CC-1 would use that information to facilitate a mass casualty attack on the Unit.

(Title 18, United States Code, Sections 1114, 2, and 3238.)

COUNT THREE

PROVISION AND ATTEMPTED PROVISION OF MATERIAL SUPPORT IN SUPPORT OF TERRORISM

5. In or about May 2020, in an offense begun and committed outside of the jurisdiction of any particular State or district of the United States, ETHAN PHELAN MELZER, a/k/a "Etil Reggad," the defendant, who is expected to be first brought to and arrested in the Southern District of New York, unlawfully did provide, and attempt to provide, material support and resources, as that term is defined in Title 18, United States Code, Section 2339A(b) -- to wit: intangible property, services, expert advice, assistance, and personnel, including himself -- knowing and intending that they were to be used in preparation for, and in carrying out, one or more of the following violations of Title 18, United States Code: (a) conspiring to murder and maim persons in a foreign country, to wit: members of the Unit, in violation of Title 18, United States Code, Section 956; (b) conspiring to murder U.S. military service members, to wit: members of the Unit, in violation of Title 18, United States Code, Section 1114; and (c) attempting to and aiding and abetting the attempt to murder U.S. nationals, to wit: members of the Unit.

(Title 18, United States Code, Sections 2339A(a), 2, and 3238)

COUNT FOUR

CONSPIRACY TO MURDER AND MAIM IN A FOREIGN COUNTRY

6. In or about May 2020, in an offense begun and committed outside of the jurisdiction of any particular State or district of the United States, ETHAN PHELAN MELZER, a/k/a "Etil Reggad," the defendant, and others known and unknown, at least one of whom is expected to be first brought to and arrested in

the Southern District of New York, knowingly and intentionally combined, conspired, confederated and agreed together and with each other, within the jurisdiction of the United States, to commit, at a place outside the United States, acts that would constitute the offenses of murder and maiming if committed in the special maritime and territorial jurisdiction of the United States.

Overt Acts

7. In furtherance of the conspiracy and to effect the illegal object thereof, ETHAN PHELAN MELZER, a/k/a "Etil Reggad," the defendant, and his co-conspirators, committed the overt acts described in paragraph 3 of this Complaint, which are incorporated fully herein.

(Title 18, United States Code,
Sections 956(a)(1), 956(a)(2)(A), and 3238.)

The bases for my knowledge and the foregoing charges are as follows:

8. I am a Special Agent with the Air Force, and am assigned to the Federal Bureau of Investigation ("FBI")'s JTTF as a Task Force Officer. Among other things, the JTTF conducts investigations involving crimes against the United States. Based on my training and experience, I have become knowledgeable about criminal activity, particularly violations of the federal terrorism statutes. I have been personally involved in the investigation of this matter. This affidavit is based upon my conversations with other law enforcement officers and other individuals, and upon my examination of various reports and records. Because this affidavit is being submitted for the limited purpose of establishing probable cause for the offenses cited above, it does not include all the facts that I have learned during the course of the investigation. Where the contents of conversations with others and statements by others are reported herein, they are reported in substance and in part, except where otherwise indicated.

I. OVERVIEW

9. Since at least in or about May 2020, ETHAN PHELAN MELZER, a/k/a "Etil Reggad," the defendant, a member of the U.S. Army, sought to facilitate a deadly attack on his fellow service

members. MELZER used a particular username ("the Melzer Username") on the Messaging Application to send sensitive details regarding his U.S. Army unit to members and associates of groups with anarchist, neo-fascist, neo-Nazi, and anti-Semitic beliefs, known as the RapeWaffen Division and the Order of Nine Angles ("09A"), who are supporters of, among other things, jihadist terrorism, including information about the Unit's weaponry, movements, and location. During an interview on or about May 30, 2020, MELZER confessed to his role in plotting the attack, which was to be carried out by members of a terrorist organization, admitted that he intended for the planned attack to result in the deaths of as many of his fellow service members as possible, and declared himself to be a traitor against the United States whose conduct was tantamount to treason.

II. THE DEFENDANT

10. Based on my training and experience, my participation in this investigation and others, and my review of, among other things, materials provided by the U.S. military and reports of interviews conducted of, among others, members of the U.S. military, I have learned, among other things, the following:

- a. ETHAN PHELAN MELZER, a/k/a "Etil Reggad," the defendant, is a U.S. citizen.
- b. MELZER joined the U.S. Army on or about June 4, 2019.
- c. MELZER joined the military as a private, which is his current rank.
- d. In connection with his enlistment application, MELZER completed a "Statement of Enlistment." The Statement of Enlistment contained, among other things, a regulation entitled "PARTICIPATION IN EXTREMIST ORGANIZATIONS OR ACTIVITIES," which stated that "[m]ilitary personnel must reject participation in extremist organizations and activities" and that service members are prohibited from

Attending a meeting or activity with knowledge that the meeting or activity involves an extremist cause when on duty, when in uniform, when in a foreign country (whether on- or off-duty or in uniform), when

it constitutes a breach of law and order, when violence is likely to result, or when in violation of off-limits sanctions or a commander's order.

e. On or about December 11, 2018, MELZER signed a document acknowledging that he read and understood the Statement of Enlistment.

f. After MELZER joined the U.S. Army, he was assigned to the Unit and granted a security clearance because his duties were expected to involve the receipt and handling of confidential and sensitive U.S. military information. In connection with that security clearance, MELZER received training as to the type of national security damage that could result from the unauthorized disclosure of sensitive U.S. government information.

g. Beginning on or about October 4, 2019, MELZER and the Unit were stationed at a U.S. military facility ("U.S. Military Installation-1") in the vicinity of Vicenza, Italy.

III. BACKGROUND OF THE ORDER OF NINE ANGLES

11. Based on my training and experience, my participation in this investigation and others, my conversations with other law enforcement agents and others, and my review of, among other things, publicly available information, I have learned, among other things, the following:

a. The Order of Nine Angles, or ONA and O9A, is a Satanic anarchist group founded in the United Kingdom and now operating around the world, including in the United States. The group describes itself as

A diverse, and world-wide, collective of diverse groups, tribes, and individuals, who share and who pursue similar sinister, subversive, interests, aims and life-styles, and who cooperate when necessary for their mutual benefit and in pursuit of their shared aims and objectives The criteria for belonging to the ONA is this pursuit of similar, sinister, subversive interests, aims, and life-styles, together with the desire to co-operate when it is beneficial to them and the pursuit of our shared aims. There is thus no formal ONA membership, and no Old-Aeon,

mundane, hierarchy or even any rules.

b. O9A has expressed, among others, Satanic, anarchist, neo-fascist, neo-Nazi, and anti-Semitic beliefs. For example, in one of its texts, referred to as the "Mass of Heresy," O9A claims:

Adolf Hitler was sent by our gods to guide us to greatness

We believe in the inequality of races and in the right of the Aryan to live according to the law of the folk

We acknowledge that the story of the Jewish "[H]olocaust" is a lie to keep our race in chains and express our desire to see the truth revealed

We believe in justice for our oppressed comrades and seek an end to the world-wide persecution of National-Socialists[.]

c. O9A also has expressed support for the views of Usama bin Laden, the former emir, or leader, of al Qaeda, the jihadist terrorist group that, among other things, is responsible for the bombing of the U.S. embassies in Kenya and Tanzania in or about 1998, and the bombing of the U.S. Navy vessel the U.S.S. Cole in or about 2000, and the attack against the United States on or about September 11, 2001.¹

d. O9A has praised Nazi Germany as a "practical expression of Satanic spirit . . . a burst of Luciferian light - of zest and power - in an otherwise Nazarene, pacified, and boring world." Members and associates of O9A believe, however, that since the time of Nazi Germany, Western civilization has become perverted by, among other things, Judeo-Christian

¹ Al Qaeda is a terrorist organization whose sole purpose, as stated by Bin Laden and other al Qaeda leaders, is to support violent attacks against property and nationals, both military and civilian, of the United States and certain other countries. On or about October 8, 1999, the United States Secretary of State designated al Qaeda as a foreign terrorist organization under to Section 219 of the Immigration and Nationality Act, and al Qaeda remains designated as of the date of the filing of this Complaint.

beliefs. They therefore seek the violent overthrow Western civilization through violent means.

e. O9A claims not to initiate new members, but rather to require members to self-initiate through the performance of mentally and physically challenging acts.

f. The "Atomwaffen Division" is a neo-Nazi terrorist network founded in the United States that follows O9A's philosophy. Some members of the "Atomwaffen Division" also express support for jihadist philosophies, and have praised, for example, Omar Mateen's 2016 attack on a nightclub in Orlando, Florida, on behalf of the Islamic State of Iraq and al-Sham or "ISIS."² Several members of the "Atomwaffen Division" have been arrested and convicted of federal crimes, including, for example, Brandon Russell, who was convicted in or about 2017, in connection with his possession of powerful explosives, including explosive compounds used by al Qaeda and Timothy McVeigh during attacks.

g. Some adherents to the O9A philosophy participate in publicly accessible "channels"—which are akin to "chat rooms"—and smaller group "chats" with administratively restricted access, on the Messaging Application, including channels titled "RapeWaffen Division" (the "RapeWaffen Division Channel") and "The Order of the 9 Rapes" (the "Order of the 9 Rapes Chat").

² On or about October 15, 2004, the United States Secretary of State designated al-Qa'ida in Iraq ("AQI"), then known as Jam'at al Tawhid wa'al-Jihad, as a Foreign Terrorist Organization under Section 219 of the Immigration and Nationality Act and as a Specially Designated Global Terrorist under Section 1(b) of Executive Order 13224. On or about May 15, 2014, the Secretary of State amended the designation of al-Qa'ida in Iraq ("AQI") as a Foreign Terrorist Organization ("FTO") under Section 219 of the Immigration and Nationality Act and as a Specially Designated Global Terrorist under Section 1(b) of Executive Order 13224 to add the alias Islamic State of Iraq and the Levant as its primary name. The Secretary of State also added the following aliases to the ISIS listing: the Islamic State of Iraq and al-Sham, the Islamic State of Iraq and Syria, ad-Dawla al-Islamiyya fi al-'Iraq wa-sh-Sham, Daesh, Dawla al Islamiya, and Al-Furqan Establishment for Media Production.

IV. THE DEFENDANT AND OTHERS PLAN THE ATTACK USING THE RAPEWAFFEN DIVISION CHANNEL

12. Based on my training and my experience, my participation in this investigation and others, my conversations with other law enforcement agents and others, and my review of, among other things, material supplied by a confidential source (the "CS"),³ and material obtained from a phone (the "Melzer Cellphone") seized on or about May 30, 2020 from ETHAN PHELAN MELZER, a/k/a "Etil Reggad," the defendant,⁴ I have learned, among other things, the following:

(1) Between on or about April 19, 2020 and on or about May 29, 2020, MELZER used the Melzer Username to communicate on the Messaging Application.

(2) On or about April 19, 2020, MELZER and another user of the Messaging Application affiliated with O9A and the RapeWaffen Division discussed the arrest of a U.S. service member affiliated with a neo-Nazi group. MELZER wrote, "don't want to end up like that faggot from who got caught while he was in the military...bad shit" and "still i have to be careful as fuck just because i feel like shit would be harsher considering my current circumstances."

(3) In or about May 2020, the CS, at the direction of the FBI, used the Messaging Application to, among other things, exchange direct messages with MELZER, and participate in two group chats affiliated with the RapeWaffen Division Channel: the Order of the 9 Rapes Chat, and "Jihadist Caliphate," the name of which appears to have been changed to "Jihad" and then later to "Op Hardrock."

(4) By at least on or about May 17, 2020, the U.S. Army informed MELZER that his Unit was going to be

³ Since approximately May 2020, the CS has provided information and assistance to the FBI. The CS may be compensated in the future for actions taken in connection with this law enforcement directed investigation. Information provided by the CS has been proven to be reliable and has been corroborated by, among other things, electronic communications.

⁴ On or about June 2, 2020, Judge Stewart D. Aaron, U.S. Magistrate Judge for the Southern District of New York, issued a warrant authorizing the search of the Melzer Cellphone.

deployed to guard a military installation in Turkey ("U.S. Military Installation-2") in the near future.

(5) On or about May 17, 2020, CC-1 asked MELZER through a direct message if MELZER had deployed to Turkey yet, as another co-conspirator ("CC-2") "needs to know, [CC-2] has plans inshallah my brother, allahu akbar." MELZER responded "Fuck yea" and provided CC-1 with the scheduled date of the Unit's departure to Turkey. Later in the conversation, CC-1 asked MELZER, "are we literally organizing a jihadi attack," to which MELZER responded, "[Y]es probably...As long as I get the info I need to give you all." When CC-1 then raised the possibility of MELZER "get[ting] shot," MELZER responded "Who gives a fuck...The after effects of a convoy getting attacked would cover it...It would be another war...I would've died successfully...Cause if another 10 year war in the Middle East would definitely leave a mark."

(6) On or about May 23, 2020, MELZER sent a message in the Order of the 9 Rapes Chat in which he wrote "I mean if you know some kinder weird Italian groups that would be willing to do something to stir something up I wouldn't mind." The CS responded "stir something up with what?" and "I'm confused you said you were in Turkey in the military." MELZER wrote that he was a member of the U.S. military, who was "stationed in Vicenza," and that he was "[g]oing to Turkey for a deployment."

(7) After the CS asked what he meant by "stirring up," MELZER responded "Ok let me be as direct as possible" and then wrote "IF YOU KNOW ANYONE IN TURKEY TELL THEM THIS INFO there." After the CS asked MELZER what information he was referring to, MELZER replied "[t]hat you know that there is a convoy coming through Turkey soon and date and time will be given soon. Goddamn." Based on my participation in this investigation, I believe that the "convoy" to which MELZER was referring was his Unit.

(8) CC-1 wrote "lmao RW is officially chill with the hajis." MELZER responded, "[b]est part is your not the only one." CC-1 replied, "[w]ell what we're (gonna be) doing is already similar to jihad." Based on my training, experience, and participation in this investigation, I believe that when CC-1 used the term "RW," he was referring to members of the RapeWaffen Division.

(9) MELZER wrote that he "[u]sed to be cool with a couple IS members who lived in France" and that "3 of them are dead now and the last 2 I've lost contact with lately." Based on my training, experience, and participation in this investigation, I believe that when MELZER wrote "a couple IS members," he was referring to members of ISIS.

(10) In response to MELZER supplying information about his Unit's deployment, the CS sent the following message:

So for the sake of clarity (and because I'm an idiot so I want to make sure I'm not misunderstanding)—you currently stationed in Vicenza with U.S. army will be deployed to Turkey soon. A "convoy" (your own convoy?) will be going through Turkey, and on Monday you'll be receiving the date and time the convoy will be going through Turkey. And you're going to dm me said time and date so that I can pass it along to any jihadis in Turkey. Right? And [redacted] you're going to do the same with your "hajis" (lol).

(11) In response, MELZER wrote "[y]ou just gotta understand that currently I am risking my literal free life to give you all this" and "expecting results." After the CS pressed MELZER about whether he understood that an attack on his convoy, i.e., the Unit, could also jeopardize MELZER's life, MELZER responded: "Your kidding right. If we were to trigger this the right way the amount of shit this would cause would cover it. My life would be absolutely meaningless in the amount of shit it would cause after. Ok that sounds retarded but really it's true."

(12) After the CS apologized for not understanding, MELZER wrote, "your not but really think about it. A convoy gets hit in Turkey mascal." MELZER also wrote, "[t]here going to start a new war just because of that." After the CS asked what "mascal" meant, another participant in the chat ("CC-3") responded, "mass casualty."

(13) The CS asked MELZER to send specific location information through a direct message to the CS because Turkey was a large place to search to conduct the Attack. MELZER stated "Ok I'm aware. If I get coords they'll be sent if

not idk." Based on my training, experience, and participation in this investigation, I believe that in this exchange, MELZER agreed to send specific coordinates for the Unit's location in Turkey ("If I get coords they'll be sent"). Later in the exchange, CC-3 wrote, "preferably not post sensitive info here with 18 people seeing it." CC-3 added, "I'd go as far as to delete most of the previous posts."

(14) On or about May 24, 2020, the CS sent MELZER two direct messages in which the CS wrote "So if I were to have a guy or two for you . . . should I have them contact you directly? And if they were in Italy (just, you know . . . hypothetically)." MELZER responded "[i]f there in Italy yea sure just have them dm me . . . [a]s for Turkey I'm reconsidering a change of plans." MELZER explained that he made the decision "[b]ecause I would have way more warning when the next unit would be on there way to replace us there."

(15) On or about May 24, 2020, CC-1 created the Op Hardrock Chatroom, in which MELZER, CC-1, the CS, and another participant from the Order of the 9 Rapes Chat ("CC-4"), among others, participated. After creating the Op Hardrock Chatroom, CC-1 wrote: "gather some jihadists here" and "drop details here." After posting this message, CC-1 posted two satellite map images. Based on my review of the images, my conversations with other law enforcement agents and others, and my review of, among other things, publicly available information, I know that the images depict the area around U.S. Military Installation-2.

(16) Later on or about May 24, 2020, MELZER sent a message to the Op Hardrock Chatroom in which he wrote "we're going to get a brief today so I'll update you." Also on or about May 20, 2020, MELZER attended a briefing at which, among other things, U.S. Army personnel disclosed logistical information about the Unit's upcoming move to U.S. Military Installation-2.

(17) Later on or about May 24, 2020, after CC-1 asked MELZER to get the "original sat images," MELZER responded, "that's the plan and we are using the same images you posted."

(18) MELZER continued to send messages in the Op Hardrock Chatroom throughout May 25, 2020. At one point, CC-1 re-posted a series of messages that CC-1 appears to have

received from MELZER, which included the location of U.S. Military Installation-2 and the Unit's weaponry and defensive capabilities. CC-1 then called CC-4's attention to the messages, and wrote: "All the current info we have . . . No tanks I should add . . . That could change, so, that's something . . . But consider that an advantage." In response, MELZER wrote, "one thing won't change and it's probably the biggest . . . Well one of the biggest . . . Lack of mg'a ag's and automatic rifleman and no 320s or Carl Gustavs/at4s . . . literally it's just m4s . . . Every fire-team is essentially crippled." Based on my training, experience, and participation in this investigation, I believe that in this exchange, MELZER explained that the Unit would be vulnerable to attack because it lacked certain weaponry. In particular, I believe that MELZER was referring to machineguns when he wrote "mg'a," to automatic guns when he referred to "ag's," to M320 grenade launchers when he wrote "320s," to AT4 anti-tank weapons when he wrote "Carl Gustavs/at4s," and to M4 assault rifles when he wrote "m4s."

(19) CC-1 asked MELZER whether MELZER would be able to provide access to the communications networks the Unit was using, and MELZER responded, "That hasn't been given out yet . . . Like to any of us." CC-1 then wrote: "This is actually important because if we can get access to that shit we're good . . . listen in on shit in real time." MELZER responded, "Yea if They send it out what it is we'd be cash money." CC-1 asked MELZER to provide the channel and frequency if he learned them, and MELZER responded, "If I ever get it I will."

(20) CC-1 proposed initiating the attack by targeting nearby gas tanks to incapacitate the artillery located at U.S. Military Installation-2. MELZER responded, "The arty is on site . . . Hear me out . . . The arty is on site where there literally a max of 40 soldiers with only m4s . . . the rest are dod employees." After CC-1 asked about the defensive capabilities at U.S. Military Installation-2, MELZER responded "Yep . . . small arms. . . not even mgs cause there not allowed. . . so no matter what they won't be facing fire from a 240 or even a 249." Based on my training, experience, and participation in this investigation, I believe that MELZER was referring to machineguns when he wrote "mgs," and to M240 model and M249 model machineguns when he wrote "240" and "249."

(21) CC-1 asked MELZER to provide specific locations of guard positions, air support, and other defensive measures at U.S. Military Installation-2. MELZER responded, "Will when I get there there being pretty secretive of that for obvious reasons . . . Some shit they just won't tell us yet like guard positions or if anything's in the sky." CC-1 replied by stating "Alright, gather as much info on whats in the sky, ground positions, etc." MELZER confirmed that he would do so and wrote "Definitely. . . I'm going to look for a couple good positions for people to be at if they were to hit. . . It's on a mountain top but from the images on maps seems like there's some mountain sides that are maybe a couple hundred meters away but still high ground."

(22) CC-1 asked MELZER, "So that would be definitely enough time for a strike with hajibros in the right spots? . . . And with 40 guys on base, quick takeover assuming the DoD employees get knocked too?" MELZER replied by writing "Again 40 people so a well hidden plt size element or even some mortar team could absolutely reek havoc." Based on my training, experience, and participation in this investigation, I believe that MELZER was referring to a platoon when he wrote "plt," and that a platoon is generally composed of between approximately 16 and 44 soldiers.

(23) CC-1 and CC-4 also exchanged communications about the information MELZER had provided. In particular, responding to CC-1's suggestion that attackers should mount the assault from high ground by firing weapons from multiple directions at U.S. Military Installation-2, CC-4 suggested that attackers "should come from the mountain. . . could make them panic the shit outta them." CC-4 then asked, "Do you know which nations? . . . are within the walls of the base." CC-1 responded, "American." CC-4 replied "aight . . . Well if it is done very quickly . . . then no worries about air support . . . Plus I guess they wouldn't bomb their own base." CC-4 further stated, "Since you know the approximately number of soldiers in the base, you already won the battle, as sun tzu says lol." CC-1 later asked, "So . . . with the turks already riled up . . . and the severly underdefended [U.S. Military Installation-2] . . . This..is look good?" CC-4 replied, "Fuck yeah lol."

13. Based on my training, experience, participation in this investigation and others, including

conversations with FBI and U.S. military personnel, I am aware that an ongoing search of the Melzer Cellphone has preliminarily revealed, among other things, that (i) the Messaging Application was loaded onto the Melzer Cellphone, (ii) messages stored on the Melzer Cellphone reflect MELZER's communications regarding the planning of an attack on the Unit in chats affiliated with the RapeWaffen Division Channel, including the Order of the 9 Rapes Chat and others, and (iii) significant portions of the communications described in paragraph 12 of this Complaint have been deleted from the phone.

V. THE DEFENDANT'S CONNECTIONS TO O9A, TERRORIST GROUPS, AND THE ATTACK PLAN

14. On or about May 30, 2020, Judge Ona T. Wang, U.S. Magistrate Judge for the Southern District of New York, issued warrants authorizing searches of online accounts believed to be used by ETHAN PHELAN MELZER, a/k/a "Etil Reggad," the defendant, including two Apple iCloud accounts (the "iCloud Accounts"). Based on my training and my experience, my participation in this investigation and others, and my review of data obtained pursuant to the above-mentioned search warrants, I have learned, among other things, the following:

a. The iCloud Accounts are in MELZER's name, and are both linked to an address in the United States and a telephone number MELZER provided to the U.S. Army as his home address and primary telephone number, respectively. Additionally, the iCloud Accounts are registered to two e-mail addresses that are both registered in MELZER's name.

b. The iCloud Accounts contained, among other things, the following:

(1) A section of the iCloud Accounts titled "Cloud Photo Library," contained the below image, which had been marked as "deleted," titled "HARVEST OF THE SOLDIERS: RESULTS OF THE ATTACKS BY ISLAMIC STATE SOLDIERS DURING THE WEEK OF 23RD THROUGH 29TH SHA'BAN 1441":



(2) A section of the iCloud Accounts titled "Cloud Photo Library," contained a satellite image of what appears to be U.S. Military Installation-2.

(3) A section of the iCloud Accounts titled "Cloud Photo Library," contained a satellite image of a map of

what appears to be a military installation, with markings and notes including coordinates, "DFAC," which I am aware is a term used in the U.S. military to mean dining facility, and "Barracks."

(4) A section of the iCloud Accounts titled "Cloud Photo Library," contained the below image, which appears to depict, among other things, a knife, a book entitled "The Sinister Tradition: Order of Nine Angles," a skull mask, and a U.S. Army beret. Based on my training, experience, and involvement in this investigation, I know that a skull mask is a known neo-Nazi symbol and the U.S. Army beret depicted in the photo contains the insignia for the Unit.



(5) A section of the iCloud Accounts titled "iCloudDrive," contained, among other things, documents that appear to have been issued by 09A, such as one titled "The Joy of the Sinister: The Traditional Satanism of the Order of the Nine Angles," and a document titled "The Alchemy of Hate," which includes a section titled "Adolf Hitler as Dark God."

(6) A section of the iCloud Accounts titled "Notes" contained, among other things, a reference to an attack

on U.S. Service Members in Afghanistan which occurred in 2012 with the additional note "daisy chain IED attack." Based on my training, experience, and involvement in this investigation, I am aware that an "IED," or Improvised Explosive Device, is a bomb constructed and deployed in ways other than in conventional military action, and that "Daisy Chain" refers to a booby trap consisting of multiple explosive devices wired to a single detonator.

VI. THE DEFENDANT'S CONFESSION

15. Based on my training, experience, and participation in this investigation and others, including conversations with FBI and U.S. military personnel, I have learned, among other things, the following:

On or about May 30, 2020, U.S. military and FBI personnel interviewed ETHAN PHELAN MELZER, a/k/a "Etil Reggad," the defendant. At the outset of the interview, which was recorded, MELZER was advised of his Miranda rights and MELZER agreed to waive those rights and participate in the interview.

During the interview, MELZER stated, in substance and in part, the following:

(1) MELZER used the Melzer Username to communicate on the Messaging Application.

(2) MELZER disclosed information about the Unit's anticipated move from Italy to U.S. Military Installation-2 to other users of the Messaging Application in the Order of the 9 Rapes Chat and other channels, including the timing of the Unit's deployment, the purpose of the deployment, information about the security measures at U.S. Military Installation-2, and possible methods to attack the Unit during its deployment.

(3) MELZER intended to provide more information about the Unit's anticipated deployment, including additional information about security measures at U.S. Military Installation-2.

(4) MELZER provided this information to the users of the Messaging Application in order to facilitate a mass casualty attack on the Unit at U.S. Military Installation-2.

(5) MELZER was prepared to die to facilitate an attack on the Unit, believed his actions were treasonous, and considered himself to be a traitor.

WHEREFORE, I respectfully request that a warrant be issued for the arrest of ETHAN PHELAN MELZER, the defendant, and that he be imprisoned or bailed, as the case may be.

FURTHER, the Government respectfully moves for the Complaint and arrest warrant to remain sealed -- with the exception that the complaint and arrest warrant are unsealed for the limited purpose of disclosing the existence of or disseminating the Complaint and/or arrest warrant to relevant United States, foreign, or intergovernmental authorities, at the discretion of the United States and in connection with efforts to prosecute the defendant or to secure the defendant's arrest, extradition, or expulsion, or as otherwise required for purposes of national security.

/s/ Faye Stephan, by SDA with permission
Faye Stephan
Task Force Officer
Federal Bureau of Investigation

Sworn to me through the transmission of this Affidavit by reliable electronic means, pursuant to Federal Rule of Criminal Procedure 4.1, this 4th day of June, 2020

Stewart D. Aaron

THE HONORABLE STEWART D. AARON
UNITED STATES MAGISTRATE JUDGE
SOUTHERN DISTRICT OF NEW YORK